

MEMORANDUM OF AGREEMENT

Virginia Department of Housing and Community Development
and
Virginia Department of Environmental Quality

In accordance with § 10.1-1186 and § 36-139 of the *Code of Virginia*, the Virginia Department of Housing and Community Development (“DHCD”) and the Virginia Department of Environmental Quality (“DEQ”) on this day, June 21, 2013, agree to coordinate jurisdictional responsibilities of the *Virginia Uniform Statewide Building Code* (13 VAC 5-63, the “Code”), the *Sewage Collection and Treatment Regulations* (9 VAC 25-790, the “SCAT Regulations”) and the *Water Reclamation and Reuse Regulation* (9 VAC 25-740, the “WR&R Regulation”).

The parties agree as follows:

1. Codes and Regulations

- A. Adoption and promulgation of the Code is the responsibility of DHCD;
- B. Enforcement of the Code is the responsibility of the local building department; and
- C. Adoption, promulgation, administration and enforcement of the SCAT Regulations and the WR&R Regulation is the responsibility of DEQ.

2. Sewage Collection, Treatment and Handling Equipment and Equipment for Water Reclamation and Reclaimed Water Distribution and Storage

- A. DEQ is charged with issuing construction and operation certificates for municipal sewage collection systems and treatment works and water reclamation systems, including satellite reclamation systems. Whenever components of sewage collection systems and/or treatment works, or water reclamation systems, reclaimed water distribution systems or reclaimed water storage that involve the production or management of reclaimed water prior to “ready-for-reuse,” as defined in 4(A) of this agreement, are located in a building or similar structure, the SCAT Regulations and/or the WR&R Regulation, as determined by DEQ, shall apply to the design, construction, operation and maintenance of all such components, and the Code shall apply to the building or structure and all of its incidental utilities (e.g., heating, electrical, house plumbing, etc.).
- B. No county, city, town or employee thereof, shall issue a permit (building permit) for a building designed for human occupancy without first obtaining the prior notification from DEQ that safe, adequate and proper sewage treatment is, or will be made available to such building. DEQ shall notify the local building official when a permit and certificates to construct and operate have been issued to a sewage treatment works or pump station in accordance with the SCAT Regulations. It is noted that the Virginia Department of

Health is responsible for issuing construction and operation permits for sewage treatment systems of single family homes.

3. Building Sewers

- A. Where the wastewater from the building or structure flows by gravity to the building sewer, which is or will be connected to a public or private gravity sewer, the jurisdiction of the Code shall apply to the building drain, building sewer, and all other appurtenances up to the point of connection to the public or private gravity sewer.
- B. Where the wastewater from a building or structure is pumped to a public or private gravity sewer (regardless of its location inside or outside of a building) and
 - 1) the total daily flow is less than 2,000 gallons per day, the jurisdiction of the Code shall apply.
 - 2) the total daily flow is greater than or equal to 2,000 gallons per day, the jurisdiction of the SCAT Regulations shall apply.
- C. Where the wastewater from a building or structure is pumped to a pressurized force main, the jurisdiction of the SCAT Regulations shall apply.
- D. Where the wastewater from a building or structure is transferred via a vacuum system to a public or private sewer system, the jurisdiction of the SCAT Regulations shall apply.

4. Distribution Piping and Storage Tanks for Reclaimed Water Ready-for-Reuse

- A. For the purposes of this agreement, reclaimed water ready-for-reuse is reclaimed water that has received the required treatment and meets appropriate standards for the intended reuses of that water in accordance with the WR&R Regulation and is available for reuse(s) by an end user either downstream of a connection to centralized reclaimed water service or at sites under the ownership or management of the end user where the end user is also the generator and/or distributor of the reclaimed water reused on site.
- B. Where distribution piping and/or storage tanks for reclaimed water ready-for-reuse are located outside of a building or buildings and are used to deliver the reclaimed water for reuse in a building or buildings, the Code shall apply to such piping and/or storage tanks on the same lot as the building or buildings.
- C. Where distribution piping and/or storage tanks for reclaimed water ready-for-reuse are used for purposes other than to deliver reclaimed water for reuse in a building or buildings, the WR&R Regulation shall apply to such distribution piping and/or storage tanks.
- D. Where distribution piping and/or storage tanks for reclaimed water ready-for-reuse are located inside a building and are used to deliver or distribute the reclaimed water for


reuse in that building or for reuse in another building on the same lot, the Code shall apply to such distribution piping and/or storage tanks.

- E. The WR&R Regulation may also be applicable through service agreements or contracts between the end user and the provider of reclaimed water.

5. General Agreements

- A. It is the intention of both DHCD and DEQ to cooperate with each other in resolving any technical conflicts between the SCAT Regulations, the WR&R Regulation and the Code and in developing and implementing operational procedures to ensure and promote a constructive working relationship between local building officials, DHCD and DEQ.
- B. When practical, the Code will include a clear reference to the jurisdiction of the SCAT Regulations and the WR&R Regulation and these regulations, in turn, will include clear references to the jurisdiction of the Code.
- C. Appropriate amendments, additions, or deletions will be made to the SCAT Regulations, the WR&R Regulation and the Code, when practical, to ensure that there is no jurisdictional conflict between the regulations and the Code.
- D. Except in matters of imminent danger to public health or safety, whenever conflicts or disagreements arise between the two agencies or their staff, all appropriate regulatory procedures will be exhausted prior to any judicial action.
- E. This Agreement may be amended or terminated by mutual consent of the parties.

The undersigned agree to the Conditions of this Agreement.



William C. Shelton, Director
Department of Housing and Community
Development



David K. Paylor, Director
Department of Environmental Quality